



2019 Chief FOIA Officer Report

MCC applies the “presumption of openness” by effectively utilizing transparency, public participation, and collaboration to form a cornerstone of open government in our agency. We make every effort to inform the public about our work by making our data public and accessible. We are recognized as an international leader in transparency. To further public participation, we invite the public to contribute their ideas, expertise, and feedback to support MCC’s work, driving economic growth and fighting poverty. MCC proactively posts its data on prospective, current, and closed partner country programs on its website, as well as, includes selections of publicly available resources on countries being considered for investment, active programs, post-closeout evaluations, information on procurement opportunities, and reports and documents published in the Federal Register.

To ensure that the FOIA is administered in the “spirit of cooperation”, MCC decisions regarding the public release of its information are based on a presumption of disclosure. If information does not meet any of the exceptions laid out by the FOIA or in other regulations or presidential memos, MCC works to disclose the information. MCC’s decisions are guided by:

- MCC Open Government Plan—The Plan outlines information the agency makes publically available and describes priorities for new initiatives planned to further improve access to MCC information.
- MCC Policy on Access to Materials—This policy describes the exceptions to the presumption of disclosure and clarifies the level of clearance required for release of various documents. This policy helps MCC staff determine whether a document should be released publicly while maintaining the highest standards for sensitive information, personal privacy and other reasons as laid out in FOIA or elsewhere.
- Disclosure Review Board—MCC’s independent evaluations are conducted to document the outputs, outcomes and impact of our investments. These investments often involve large-scale survey data collection efforts. MCC believes this data constitutes a global public good and aims to release it to the public while maintaining the highest legal and ethical standards. MCC formed a Disclosure Review Board to ensure survey data meets sufficient anonymization procedures before it is publicly released.

MCC has six employees who assist with the FOIA program, with the Program Officer being the most dedicated resource to the FOIA program by utilizing about 50% of her time to the FOIA program. To ensure that there is good communication and customer service when working with requesters, MCC’s FOIA Public Liaison provides further assistance to the FOIA program by addressing concerns about the service that requesters have received and reducing delays, increasing transparency, and assisting in the resolution of disputes. The FOIA Appeals Officer handles all appeals from initial decisions. In direct

correlation with our efforts to improve efficiency and responsiveness to requests received, two additional employees from the Office of the Chief Information Officer lend their specialized services to better assist in processing requests by providing suggestions to improve search processes through the use of Information Technology (IT).

All members of MCC FOIA program office have been trained on the FOIA and its guidelines in order to ensure a presumption of openness. Specifically, members of our team have attended:

- FOIA for Attorneys and Access Professionals
- DOJ OIP Sunshine Week 2018 Celebration
- DOJ OIP Chief FOIA Officer Council Meeting
- OGIS Dispute Resolution Training

Our distinct process to review records for discretionary release includes analyzing each requested document for potential discretionary release where FOIA exemptions may be applied. In addition, MCC pursues a policy of proactive disclosure to ensure information is generally accessible to the public without the need to submit a FOIA request. Not only are all of our compacts and threshold programs listed on our public website, but we include the core program documentation and the results of those programs as they progress.

MCC is working to implement a fee tracking system to ensure that requesters are charged fees where appropriate, as well as, a more efficient review and data tracking process to ensure that data is accurate and up to date.

In light of the Department of Justice (DOJ) memorandum dated January 30, 2019, regarding Chief FOIA Officer Designations, MCC is seeking additional guidance from DOJ OIP to ensure its Chief FOIA Officer designation meets the statutory requirement, as mandated by the Freedom of Information Act. After additional guidance is received, MCC will make any changes needed to ensure compliance. MCC does not have an Assistant Secretary titled position in our organization. However, MCC's Chief FOIA Officer is an Assistant General Counsel who is the equivalent of a Managing Director within our organization. MCC's Chief FOIA Officer has knowledge of the FOIA and oversight of our FOIA program with the ability to develop recommendations to increase FOIA program compliance and efficiency.